

**PLANNING APPLICATIONS COMMITTEE**  
**18<sup>th</sup> June 2015**

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P0377	29/01/15
<b>Address:</b>	<b>Car Park land on the junction of Milner Road and Morden Road, South Wimbledon SW19.</b>	
<b>Ward:</b>	Abbey	
<b>Proposal:</b>	Erection of a mixed use block comprising retail (A1) or café/restaurant use (A3) at ground floor (170 sq.m) with 15 self-contained flats above (5 x 1 bedroom and 10 x 2 bedroom) in a six storey block with a stairwell overrun at roof level and 3 x 3 bedroom town houses arranged on 3 floors with stairwell leading onto roof level providing access onto amenity deck.	

**Drawing No's:**

1782-FCB-A - 010 - Assumed Site Boundary - Rev P1  
1782-FCB-A - 010 - Site Location Plan - Rev P1  
1782-FCB-A - 0200 - Level 0 Plan - Rev P2  
1782-FCB-A - 0201 - Level 1 Plan - Rev P1  
1782-FCB-A - 0202 - Level 2 Plan - Rev P1  
1782-FCB-A - 0203 - Level 3 Plan - Rev P1  
1782-FCB-A - 0204 - Level 4 Plan - Rev P1  
1782-FCB-A - 0205 - Level 5 Plan - Rev P1  
1782-FCB-A - 0206 - Level 6 Plan - Rev P1  
1782-FCB-A - 0600 - North Elevation - Rev P1  
1782-FCB-A - 0601 - East Elevation - Rev P2  
1782-FCB-A - 0602 - South Elevation - Rev P2  
1782-FCB-A - 0603 - West Elevation - Rev P1  
1782-FCB-A - 0700 - Section 01 - Rev P2  
1782-FCB-A- 0701 - Section 02 - Rev P2  
1782-FCB-A- 0702 - Section 03 - Rev P1

Planning Statement by PDA January 2015.

Design and Access statement (amended) by FCB Studios April 2015

Statement of Community involvement by PDA January 2015

Flood risk assessment Rev A by Price Myers April 2014.

Sustainability and Energy Statement by Ferguson Brown Rev 2 January 2015.

Transport Statement by TTP Consulting January 2015.

Daylight and Sunlight report BVP January 2015.

Noise and Vibration Assessment by Hepworth Acoustics December 2014.

Air quality assessment by Air Quality Consultants January 2015.

Ground investigation – preliminary findings by GEA September 2013.

**Contact Officer:** Jonathan Lewis (020 8545 3287)

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**RECOMMENDATION: Grant planning permission subject to:  
Planning conditions and a S106 legal agreement.**

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**CHECKLIST INFORMATION.**

- S106: Affordable housing, permit free; cost to Council of all work in drafting S106 and monitoring the obligations; Legal costs.
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Is a Screening Opinion under the Environmental Impact Assessment Regulations required: Yes.
- Has a Screening Opinion been issued - Yes
- Press notice: Yes (Major development and setting of listed building)
- Site notice: Yes.
- Design Review Panel consulted: Yes (pre application stage).
- Number of neighbours consulted: 113.
- External consultations: Transport for London, Met Police, Environment Agency, London Underground Ltd.
- Conservation Area - No
- Public Transport Accessibility Level [PTAL]: Level 6a TFL Information Database [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]
- Number of jobs created: Unknown at present.

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**1. INTRODUCTION**

- 1.1 This item is reported to Committee arising from the scale and nature of the proposals and objections that cannot be addressed by attaching conditions and which take the proposals out of the scope of the scheme of delegation.

**2. SITE AND SURROUNDINGS**

- 2.1 0.068 hectare site located on the north of Milner Road at the corner of the junction with Morden Road in South Wimbledon, approximately 20 m north-south by 35 m east-west. Currently used as a car park. To the northeast is a recently erected three storey block comprising currently vacant commercial floorspace on the ground floor with two floors of flats above with roof terraces to the rear. Beyond is a Tesco local store with residential accommodation above. To the north is the rear of a Kwik-Fit car, repair/tyre and exhaust fitting garage with a driveway to the rear of the Kwik-Fit garage along the western boundary. Set slightly off the rear wall to the garage is a 96 sheet non illuminated advertising hoarding. Beyond the Kwik Fit rear driveway is a second driveway providing servicing and parking to Grenfell Housing's offices located in a three storey building which along with the Kwik Fit garage front Kingston Road. Beyond to the west is two-storey terraced housing in Milner Road beyond.

- 2.2 An emergency access gate is situated on Milner Road approximately 50m from the junction of Milner Road with Morden Road. This restricts access for all vehicles except emergency vehicles towards Queensland Road and Brisbane Avenue. Either side of the gate, Milner Road offers two-way movement in an east to west direction. There is one permit holder bay to the east of the gate near the site. To the west of the gate, Milner Road provides on-street parking subject to CPZ restrictions offering both permit holder and pay & display parking.
- 2.3 To the south is Spur House currently undergoing refurbishment and extension to provide a 9 storey block of flats with retail on the ground floor while the rear part of the Spur House site fronting Milner Road has permission for 3/4 storey residential accommodation. Adjoining Spur House to the south is a three storey block of offices with a branch of Barclays Bank on the ground floor.
- 2.4 On the opposite side of Morden Road is the Grade II listed South Wimbledon underground station along with associated kiosks and shops and adjoining to the south is a small vehicle sales and hire yard.
- 2.5 On the opposite side of Morden Road to the south is a four storey block of flats, Gilbert Close.
- 2.6 The application site is within a Controlled Parking Zone and has a Public Transport Accessibility Level [PTAL]: Level 6A (TFL Information Database [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]. The site is located within the Colliers Wood/South Wimbledon Area of Intensification as identified in the London Plan. The High Path estate on the opposite side of the road is the subject of both on-going evaluation by Circle/Merton Priory Homes and analysis by Council planning officers towards preparing a Local Plan to guide proposals for major regeneration. The Northern Line tunnels run in an arc under the eastern edge of the site. A covered Thames Water culvert runs under the eastern part of the site. The site is in Flood Zone 1 (Low risk).

### **3. CURRENT PROPOSAL**

- 3.1 The proposal is to construct a building comprising 15 apartments, 3 town houses and a commercial unit on the ground floor for either an A1 or A3 use. The residential accommodation comprises a mix of 10 x 2-bed; 5 x 1-bed and 3 x 3-bed units. The development is car-free. Cycle parking is provided at a ratio of 21 spaces for the 18 residential units. The proposed apartments have balcony amenity spaces of between 6 and 20m<sup>2</sup>. The houses in a combination of front and rear gardens, balconies and roof terraces have between 66 and 70m<sup>2</sup> of amenity space.

- 3.2 Unit sizes for the apartments range from 51m<sup>2</sup> to 76m<sup>2</sup> and the town houses are between 158m<sup>2</sup> to 161m<sup>2</sup>. The unit sizes are based on net internal areas. A full schedule of accommodation is included in the appendix to this report.
- 3.3 The building will be of ground and five storeys with the main elevation facing Milner Road (22.3m high rising to 24.3m for plant/access on roof of main block. Spur House to the south is around 26.5m high rising to 29.7m for the top floor). The town houses located to the rear of the site and facing Milner Road will be three storeys in height (10.6m to top of third floor rising to 12.7m to top of stairwell link to roof terrace. Parapet walls, rising above roofs of neighbouring houses, are 9.6m while the roof of the new mixed use block to the north fronting Morden Road is 10.6m high).
- 3.4 Facing materials are shown at an indicative level at this stage and comprise the following:  
Main elevations - Glazed Terracotta panels, Dark Grey Aluminium Louvered Panel;  
Winter Gardens - Glazed Panel with Glass Balustrade Glazing  
Details to elevations - Aluminium Infil Panels  
Dark Grey House Front Garden Railings  
Glazed Doors with Dark Grey Frames  
Residential Lobby Entrance Glazed Door  
Townhouse Timber Front Door  
Powder Coated Steel Bin Doors  
Powder Coated Steel Plant Room Door
- 3.5 No provision for affordable housing has been made within the development and this is subject to a Viability Assessment which is submitted in support of the planning application.
- 3.6 The application is accompanied by a Planning and Heritage Statement, Design & Access Statement, Transport Statement, Sustainability & Energy Statement, Noise & Vibration Assessment, Flood Risk Statement, Statement of Community Engagement, and a Daylight & Sunlight Assessment.
- 3.7 The applicant has also submitted a commercially sensitive and confidential viability appraisal which has been the subject of independent review.
4. **PLANNING HISTORY.**
- 4.1 2010 - 10/P0825 granted a temporary planning permission for a car wash. Use commenced without complying with conditions including drainage and surface water runoff arrangements.

2012 - 12/P0566 refused consent to renew the permission for a car wash. **Grounds: The proposals have the potential to harm the local environment in respect of noise and pollution including the water environment and by reason of the failure to submit adequate environmental information in order to determine whether any adverse impacts may be adequately mitigated would be contrary to Merton UDP policy PE.2.**

- 4.2 The current application has evolved following pre-application discussions with the applicant during 2014 firstly of a scheme to provide student housing, subsequently a scheme to provide flats and finally the mixed scheme use scheme of flats and houses that forms the basis of this application. The pre-submission proposals were considered by the Council's Design Review Panel comments from which are set out in Section 5 of this report.

## **5. CONSULTATION**

- 5.1 The planning application was publicised by means of site and press notices, together with individual letters to 113 nearby addresses. In response to this public consultation, 2 replies have been received making the following observations:

### **Traffic and parking.**

Additional vehicles once development(s) have been completed. Queries raised regarding where additional vehicles would park and what traffic arrangements will be made to ameliorate congested traffic conditions in the area.

### **Visual amenity and privacy.**

Site is currently an eyesore.  
Scale of building – seems incredibly large given context.  
Overlooking of back gardens from flats on upper floors.

### **Others.**

Queries regarding the likely future A1 or A3 uses.  
Impact on utilities and infrastructure.

- 5.2 Transport for London Site is on part of Strategic Road Network (SRN). Conditions recommended so as to avoid any harmful impact on the SRN. Car free nature of development welcomed. Residents to be excluded from eligibility for parking permits. Short term cycle parking (3 parking spaces) to be provided for non-residential part of development. An additional 13 secure cycle spaces should be provided for residents. Conditions recommended relating to infrastructure protection, construction logistics plan, and a delivery and servicing plan.
- 5.3 London Underground.  
The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods and security, to ensure that the

development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 5.4 Environment Agency. No objections. Applicant advised to contact EA with regards to other consents administered by them.
- 5.5 Metropolitan Police. Recessed communal door and front doors to town houses should be no more than 0.6m deep. Recommends driveway to side on Milner Road is gated. Entrances from street level into the blocks and to cycle and bins stores should incorporate appropriate access controls and locking systems. Balcony and terrace design should eliminate climbing aids to reach higher floors. Secured by Design recommended as a minimum.
- 5.6 Thames Water. No objections subject to adequate safeguards to subsurface sewerage infrastructure. There are public sewers crossing or close to the development. Approval from Thames water is required where extensions to existing buildings or underpinning work is proposed over a line of or come within 3m of a public sewer. Thames Water will normally refuse approval in respect of the erection of a new building. Piling method statement to be agreed with Thames Water.
- 5.7 Recommended that surface water storm flows are attenuated into the receiving network through on or off site storage. Permits from Thames Water required in the event groundwater being discharged into public sewer. No objection in respect of water and sewerage infrastructure capacity.
- 5.8 Fat traps recommended for all catering establishments.
- 5.9 English Heritage. No comments.
- 5.10 Future Merton (Design)  
Generally a good scheme but some shortfalls in terms of internal layouts of flats identified including bedroom and living room layouts and absence of separate kitchens
- 5.11 Future Merton (Transport)  
Supports "permit free" S106 agreement. TFL have requested some additional cycle parking – the London Plan Standard of 34 should, in a location such as this, be met wherever possible. Standard condition to deliver secure cycle parking (H6) to be included if permission granted.
- 5.12 LBM Environmental Health.  
No objection subject to planning conditions being attached to address: noise from plant and equipment, soundproofing of the commercial building and residential to prevent the transmission of noise and vibration, odour from any extraction unit associated with A3 use, measures to safeguard against noise intrusion into the dwellings,

measures to safeguard against vibration within the dwellings, details of the mechanical ventilation and filtration system for the apartment block to mitigate against air pollutants, restrictions on noise levels from the mechanical ventilation and filtration system, external lighting, contamination and a Construction Method Statement.

5.13 Design Review Panel November 2014  
Pre-Application, 13/P3600/NEW, Car Park Site at Milner Road.

Generally the Panel welcomed the form, massing and layout of the site and that they seemed to work well. The Panel welcomed the analysis of appropriate cladding materials and the use of winter gardens to address the hostile environment. The Panel felt clearly that this was a good proposal, exhibiting a lot of architectural competence and skill. It was noted that a blank wall would be visible in some views from a distance and this should be made more interesting even if it did not have any windows in it. \*

The Panel also commended the architect on the skilfully designed interior layout, which they considered efficient and well planned. One suggested improvement was to reorganise the position of the stair and lift, to enable the internal core to have some natural light. \*\*

It was noted that there was one single aspect flat per floor; south facing, with balcony, against the lack of a second aspect. Although a glazed canopy was suggested for the main street frontage, there were mixed views on whether this would be appropriate or whether it could be successfully integrated into the new building.

The Panel questioned whether a retail space could be let, and were assured there was sufficient demand. They also questioned how confident the architect was of the feasibility of constructing the building with the sewer and railway constraints and were assured significant work had been undertaken on this to assess previous development proposals. The Panel recommended that the applicant seek to achieve Code Level 5, and that further exploration of appropriate materials should continue. \*\*\*

**VERDICT: GREEN**

\* Officers note that the design of the west facing flank wall onto Milner Road has been amended since consideration by the DRP and now incorporates blind window openings at ground first and second floor levels.

\*\* Officers note that a window opening has been provided to the stairwell in the north facing elevation to the block of flats.

\*\*\* Since consideration by the DRP the Code for Sustainable Homes has been withdrawn and sustainable design and construction standards for energy and water are currently restricted to an equivalent of Code Level 4.

## **6. POLICY CONTEXT**

### **National Planning Policy Framework [March 2012]**

- 6.1 The National Planning Policy Framework was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is put forward as a key part of central government reforms ‘...to make the planning system less complex and more accessible, and to promote sustainable growth’.
- 6.2 The document reiterates the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, not to hinder or prevent development.
- 6.3 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- 6.4 Paragraph 17 of the NPPF sets out a number of ‘Core Planning Principles’. These include:
- Not being simply about scrutiny, but be a creative exercise in finding ways to enhance and improve the place in which people live their lives;
  - To proactively drive and support sustainable economic development to deliver homes and businesses;
  - Always seek to secure high quality design;
  - Encourage effective use of land by reusing land that has been previously development (brownfield land) where it is not of high environmental value;
  - Promote mixed use developments, and encourage multiple benefits from the use of land in urban areas; and
- 6.5 The National Planning Policy Framework [NPPF] urges local authorities to significantly boost the supply of housing. Local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed need for market and affordable housing in the housing market area, as far as is consistent with other policies set out in the NPPF. This process should include identifying key sites that are critical to the delivery of the housing strategy over the plan period.
- 6.6 The National Planning Policy Framework states that local authorities should identify and update annually a supply of specific deliverable



sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

London Plan (2015)

- 6.7 The relevant policies in the London Plan (2015) are: Policy 3.1 (Ensuring equal life chances for all), Policy 3.3 (Increasing housing supply), Policy 3.4 (Optimising housing potential) Policy 3.5 (Quality and design of housing developments), Policy 3.7 (Large residential developments), Policy 3.8 (Housing choice), Policies 3.10 and 3.11 (Affordable housing and affordable housing targets), Policy 3.12 (Negotiating affordable housing), Policy 3.13 (Affordable housing thresholds), Policy 3.16 (Protection and enhancement of social infrastructure), Policy 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.11 [Urban greening]; 5.12 [Flood risk management]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes] and 8.2 [Planning obligations].
- 6.8 Mayor of London Supplementary Planning Guidance.  
The following supplementary planning guidance is considered relevant to the proposals: Supplementary Planning Guidance on Housing (2012).
- Merton LDF Core Planning Strategy [2011]
- 6.9 The relevant policies within the Council's Adopted Core Strategy [July 2011] are CS.1 (Colliers Wood South Wimbledon), CS 7 [Centres], CS.8 (Housing), CS.12 [Economic development]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].
- Merton Sites and Policies Plan (2014).
- 6.10 The relevant policies are follows: DM H2 – Housing mix; DM H3 – Support for affordable housing; DM D1 – Design and public realm; DM D2 –Design consideration; DM EP2 – Noise; DM F1 – Flooding; DM F2 – Drainage; DM T1 – Sustainable transport; and DM T3 – Car parking and servicing.

- 6.11 Merton Supplementary Planning Guidance.  
The key supplementary planning guidance relevant to the proposals includes: New Residential Development [1999]; Design [2004] and Planning Obligations [2006].

## **7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the following:
- Principle of mixed use development including housing and delivery of affordable housing;
  - Design and appearance;
  - Standard of accommodation;
  - Residential amenity;
  - Transport, car parking, servicing, access, walking and cycling;
  - Sustainable design and construction; and
  - Technical issues including underground rail tunnels and utilities issues.

### Principle of a mixed use development.

- 7.2 Adopted LDF policy CS.1 states the Council will support development which helps to improve the quality of local housing, traffic flow and the public realm especially in South Wimbledon. The LDF acknowledges that South Wimbledon has a limited range of services including shops and homes and that the majority of the housing stock is gridiron terraced properties. With good access public transport South Wimbledon presents redevelopment opportunities although the plan acknowledges that the retail offer will be restricted to serve the immediate local population.
- 7.3 The National Planning Policy Framework [March 2012] requires the Council to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.4 Policy 3.3 of the London Plan sets new minimum targets for housing delivery which in the case of Merton rises from 320 additional homes annually to 411 for the period 2015 to 2025, between 2011 and 2026. The adopted Core Strategy states that the Council will encourage residential accommodation in 'sustainable brownfield locations'.
- 7.5 The use of the site for car parking does not comprise a use that is protected by adopted policies while the more intensive use of the site to provide flats, town houses along with a modest retail/service offer at ground floor fronting Morden Road fits in with the Council's policy objectives for the area. The proposals would make a meaningful contribution towards meeting the Mayor's new increased housing targets for the Borough.
- ### Density.
- 7.6 While density on its own is not an entirely reliable guide to determining whether a development is appropriate for a particular site the London Plan's Sustainable residential quality density matrix sets out indicative

density ranges for the effective development of sites dependent upon setting (suburban, urban and central) and public transport accessibility.

- 7.7 The London Plan policy 3.4 identifies areas within district centres as urban locations for the purposes of identifying appropriate densities. The London Plan suggests for schemes delivering primarily smaller units a density of up to 700 hrph may be appropriate. Given the mix and number of units the scheme generates a density of 815 hrph (16% above the recommended maximum).
- 7.8 While exceeding London Plan guidelines a judgement is required as to whether this is appropriate given that the site also lies within the wider South Wimbledon/Colliers Wood area for intensification identified in the London Plan or is an indication of overdevelopment. London Plan Policy 2.13 states that development proposals within intensification areas should (b) seek to optimise residential and non-residential output and densities and (c) contribute towards meeting or where appropriate exceeding the minimum guidelines for housing. The site may therefore be an appropriate location to accommodate higher density development. However, analysis of the quality of accommodation and the impact of the development on its surroundings can help inform this assessment and these matters are dealt with below. It would be unreasonable to withhold permission simply on the basis of density breaching guidelines.
- Design, including scale and massing and impact on locality
- 7.9 London Plan policy 7.4 requires, amongst other matters, that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including the following: that buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm.
- 7.10 Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. This will be achieved in various ways including promoting high quality design and providing functional spaces and buildings.
- 7.11 The NPPF, London Plan and LDF policies focus on delivering high quality design while a higher test of exceptional design is set for higher density development.
- 7.12 The London Plan defines tall buildings as those substantially taller than their surroundings, causes a significant change on the skyline, or are larger than the threshold size for referral of planning applications to the Mayor. While the proposals would not exceed the height threshold for referral to the Mayor, members may consider that the proposals, at up to 6 storeys, and adjoining a building on 3 floors the proposals

comprise a “tall building” for the purposes of assessment against adopted policy.

- 7.13 Merton’s Tall Building Background paper (2010) advises that tall buildings are generally not appropriate within the borough due to its predominantly suburban low rise character. Tall buildings may be suitable where all of the following factors are present:

Good public transport accessibility (the site benefits from good public transport accessibility);

Existing higher building precedent (both the Council and Planning Inspectorate have in recent years endorsed proposals for the refurbishment and extension of Spur House the height of which significantly exceeds suburban housing, medium sized blocks of flats and mixed commercial and residential buildings in the area);

Regeneration or change is envisaged (Merton Priory Homes are carrying out consultation in relation to the regeneration and potential intensification of development on the nearby High Path estate).

- 7.14 In principle it is considered that the necessary conditions prevail that justify departing from the scale and height of immediately adjoining buildings on this site, and this may warrant endorsement of considerably higher residential density subject to assessment of other design “qualities”.

- 7.15 One of the key principles of urban design is to promote the continuity of street frontages and the enclosure of space by development which clearly defines private and public areas. The proposals combine a commercial frontage onto Morden Road with a return into Milner Road enlivening the streetscene at ground level and small gardens to the town houses on Milner Road. The proposals achieve connectivity with the street in a manner that promotes sound urban design principles.

- 7.16 In other respects the applicant has successfully broken down the bulk of the development by introducing town houses on the Milner Road frontage and, before the building makes a pronounced step upwards, a screen designed to look like a three storey element linking to the extension to the south of the former Grove Tavern. The design’s strong vertical rhythm combined with an effective use of roof terraces and a modern interpretation of bays to the town houses further breaks down the bulk. An imaginative and thoughtful use of facing materials would add further interest to the appearance of the development which the Council’s Design Review Panel has responded positively to in terms of its form, massing and layout, judging that it exhibited a lot of architectural competence and skill.

- 7.17 Overall, it may be considered that the design is of a sufficiently high standard to warrant a density higher than the London Plan recommended maximum in this instance.

- 7.18 Along with details of facing materials, shopfront details are somewhat schematic and it may be prudent to attach a condition requiring full details, including material samples before construction and installation in order to ensure a high standard of design and finish and to safeguard the appearance of the streetscene.

Design context and heritage assets.

- 7.19 The core of South Wimbledon is focused around the intersection of 3 roads at a busy junction, which is also the location of the Grade II listed tube station. There is a gradual decrease in both the scale of building and road width from Merton High Street onto Kingston Road. At the junction, the Grade II listed tube station, which has a grey cubic form, holds a prominent corner position that is mirrored by the red brick building with classical embellishments. Buildings around the junction have corner entrances and features such as the oriel window on the former Grove Tavern building.
- 7.20 The Grade II listed South Wimbledon tube station lies on the opposite side of the road to the application site and forms an integral part of the foreground to the site looking south west, the backdrop to the site when viewed from Milner Road and part of the wider streetscene when looking north along Morden Road. The listed building is not integrated into a more general and wider conservation area.
- 7.21 The site's location in the context of the Colliers Wood/South Wimbledon area for intensification juxtaposed with lower rise buildings including the listed underground station and the characterful former Grove Tavern building that cluster around the busy road junction may set up an uneasy tension between delivering more intensive development while safeguarding views towards and forming the backdrop to heritage assets.
- 7.22 Redevelopment of Spur House however may be judged as setting a benchmark when viewing the site from the north, and the strong linear break provided by Morden Road which separates the application site from the listed building may be considered sufficient so to ensure the proposed development does not intrude into views of the listed building to a greater extent than Spur House.

Design - safety and security.

- 7.23 London Plan policy 7.3 aims to ensure that measures to design out crime are integral to development proposals and are considered early in the design process, taking into account the principles contained in Government guidance on 'Safer Places' and other guidance such as Secured by Design' published by the Police. Development should reduce the opportunities for criminal and anti-social behaviour and contribute to a sense of security without being overbearing or intimidating. Places and buildings should incorporate well-designed security features as appropriate to their location.

- 7.24 A narrow strip of land (not part of the site) would be retained between the rear of the Kwik Fit garage and the town house gardens. So as to ensure adequate safety and security for future residents rear boundary treatment would need to be particularly robust although gating this route or restricting access along the Kwik Fit rear driveway as encouraged by the Met Police advisor would not be feasible the land being outside the applicant's ownership.
- 7.25 So as to further enhance security of future occupiers, it is recommended to condition the detailed design of the external space in front of the entrance area to the flats which currently creates a deep and potentially unsafe recessed space.

Neighbour amenity – loss of privacy and overlooking.

- 7.26 Policy DM.D2 states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight, quality of living conditions, and privacy to adjoining gardens.
- 7.27 Front to front separation between habitable rooms across Milner Road of 17-18m differ little from prevailing front separation distances in the street. While Merton's adopted guidance, to achieve reasonable levels of privacy, recommends 20m this is based on rear to rear separation, front to front separation being routinely below this.
- 7.28 Separation distances between proposed town houses and neighbouring flats to the north meet or exceed adopted standards while the flank of the block of flats has windows that may reasonably be conditioned so as to overcome the potential for overlooking.

Neighbour amenity – loss daylight sunlight and visual intrusion.

- 7.29 The applicant's daylight analysis examines the impact of the proposals on the following neighbouring properties:-
- 16-20 Kingston Road (first and second floor windows). All windows retain daylight levels in excess of Building Research Establishment guidelines.
  - 6A and 6B Kingston Road (first and second floor windows). Good daylight would also be maintained.
  - Development at former Grove Tavern site. The applicant has carried out various analyses to determine impact including factoring the reduced levels of natural light to rear facing windows arising from the provision of balconies. The Average Daylight Factor (a more comprehensive daylight assessment arising from the availability of up to date planning drawings) indicates that BRE standards are met and concludes that there would be no adverse effect.
  - To the east there is the underground station and commercial building and no analysis is required.
  - 1-20 Gilbert Close. No adverse effect.

- 2 Milner Road. To the west of the site and with an imperforate flank wall. Almost no view of development and daylight distribution would not be affected.
- 7.30 Spur House is described as commercial; however this is now undergoing refurbishment, extension and conversion to provide flats on the upper floors. Other than a window to a bedroom for two flats located at first and second floor levels, the windows in the flank facing Milner Road would serve bathrooms and a stairwell, with the windows closest to the corner with Morden Road serving bedrooms. The bedroom windows would be orientated towards the town house section of the proposed development and the separation between the application scheme and Spur House across Milner Road is such that a harmful loss of light would not arise and BRE guidelines would be met.
- 7.31 The principle of a more intensive development of the site given its location is accepted by officers. However, the location and massing of the proposed block of flats would introduce a flank wall into the outlook from the first and second floor terrace rising to 6 storey and would intrude into views and appear visually dominant. It is a matter of judgement as to whether greater weight may be attached to the delivery of a more intensive development in this instance or whether this is an indication of overdevelopment.
- 7.32 For the time being the massing of the buildings and location of rear facing habitable rooms windows of the town houses and windows in the flat block raises no issues in terms of overlooking of neighbouring occupiers, particularly given the spacing between the new buildings and the nearest flats to the north and extensive roof areas to the adjoining Kwik Fit workshop. Nevertheless the relatively shallow back gardens and the scale and height of the proposed buildings would result in a tight fit on the site.

Standard of accommodation.

- 7.33 Policy DM.D2 of the Merton Sites and Policies Plan (2014) states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy to adjoining gardens. Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.
- 7.34 Policy 3.5 of the London Plan (2015) states that housing developments should be of the highest quality internally and externally. The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out in table 3.3 of the London Plan. The standards are expressed in terms of gross internal area.

Standard of accommodation – internal space.

- 7.35 The table at the end of the report (Appendix A) demonstrates that the proposed accommodation provides internal residential floorspace in accordance with London Plan standards.
- 7.36 The proposal provides 83% dual aspect units and 17% single aspect units. The townhouses and 2 bedroom units are all dual aspect while for the 1-bed units; 3 are south facing / single aspect units and 2 are dual aspect units.
- 7.37 The proposals factor in the need for wheelchair accessibility and the proposals meet the requirement that 10% of all new housing are wheelchair accessible or easily adaptable for residents who are wheelchair users. Two dwellings located on the first and second floor of the building have been identified as being adaptable to accessible units. All such units have been carefully considered to ensure they can be adaptable for wheelchair housing to meet the GLA's Wheelchair Housing Design Guide.

Standard of residential accommodation - external amenity space.

- 7.38 Sites and Policies Plan policy DM D2 states that developments will be expected to ensure appropriate provision of outdoor amenity space which accords with appropriate minimum standards and is compatible with the character of the surrounding area. For all new houses, the council will seek a minimum garden area of 50 sqm as a single usable regular shaped amenity space. For flatted dwellings, a minimum of 5sqm of private outdoor space should be provided for 1-2 person flatted dwellings (as specified in the Mayor's Housing Supplementary Planning Guidance 2012) and an extra 1sq.m should be provided for each additional occupant.
- 7.39 The proposed development provides private amenity space for the flats that is in accordance with adopted standards. The flats all have with private external space to meet the Housing SPG requirements. They benefit from at least one recessed winter garden which provides privacy, shelter and noise mitigation on the Morden and Milner Road elevations. The town houses have a rear garden and a roof top amenity space which together provides between 66 and 70 sq.m per unit exceeding adopted standards. While ground level rear terraces/patio gardens would suffer from considerable overshadowing, lying to the north of the proposed buildings, the roof terraces have the potential to benefit from good levels of sunlight and on balance the quality of amenity space may be considered satisfactory. Similarly, while flats towards the boundary with the new development that has been erected to the north have small balconies to the rear which are likely to experience shade from the massing of the L shaped flat block they all benefit from a larger and brighter "winter garden" spaces on the front (Morden Road) elevation.



- 7.40 Officers note that the site is in close proximity to Abbey Recreation Ground and that occupiers would benefit from this as supplementing amenity space on site.

Standard of accommodation – noise and vibration.

- 7.41 London Plan policy 7.15 seeks to ensure that development proposals manage noise by avoiding significant adverse noise impacts on health and quality of life and mitigate and minimise the existing and potential adverse impacts of noise on, from, within , as a result of or in the vicinity of new development without placing undue restrictions on developments or adding unduly to costs; and where separation from noise sources is not possible then any potential adverse effects should be mitigated through the application of good design principles.
- 7.42 Ground floor uses would be compatible with the prevailing non-residential mix of uses in the surrounding area and suitably conditioned to control hours of opening and regulate noise from plant and machinery would be unlikely to give rise to harmful levels of noise.
- 7.43 The applicant has commissioned a noise and vibration assessment which sets out a number of recommendations which would enable the scheme to meet the relevant British Standards to mitigate against the transmission of noise and vibration. Measures include high specification acoustic glazing, an acoustically treated ventilation system double glazing on less sensitive elevations and acoustic screening to roof terraces. The report acknowledges that the specification for plant details has yet to be finalised but recommends that this should be chosen so as to achieve relevant British Standards and may require incorporation of localised screening or purpose built noise control apparatus. The report does not identify any specific vibration control measures.
- 7.44 Environmental Health officers raise no objection to the methodology or broad based recommendations but recommend various conditions to ensure both the final details are the subject of scrutiny by the Council and that the subsequent operation of plant and equipment meets relevant quantifiable thresholds.

Standard of accommodation - site contamination

- 7.45 Sites and Policies Plan policy DM EP4 states that developments should seek to minimise pollutants and to reduce concentrations to levels that have minimal adverse effects on human or environment health.
- 7.46 There is a potential for the site to suffer from ground contamination. A planning condition is recommended requiring further site investigation and remediation if unforeseen contamination arises.

Standard of accommodation - Air quality.

- 7.47 The NPFF recognises reducing pollution as being one of its core planning principles. It further indicates that LPA's should focus on whether the development is an acceptable use of land, and the impact of the use.
- 7.48 London Plan Policy 7.14 provides strategic guidance specific to air quality. It seeks to minimise exposure to existing poor air quality and make provision to address local problems. This is reflected by local policy, whereby the Core Strategy identifies the strategy to reduce air pollution through Policies CS18-20. The entire borough has been declared as an Air Quality Management Area.
- 7.49 London Plan policy 7.14 requires major developments to be at least air quality neutral and not lead to further deterioration of existing poor air quality, such as in Air Quality Management areas.
- 7.50 The applicant's air quality assessment identifies the site as experiencing poor air quality and pollutants.
- 7.51 The applicant acknowledges the need to provide for mitigation measures to address dust from construction work. Mechanical filtration systems are also considered necessary in the design of the apartment building. The proposed development will include a gas fire CHP and the applicant acknowledges that the air quality assessment should be revisited once detailed specifications are available. The development is considered better than air quality neutral in terms of transport emissions however heat and power plant emissions will need to be assessed prior to their becoming operational.
- 7.52 Environmental health officers have recommended that in the event of permission being granted that mitigation measures against dust from construction are made the subject of condition. Details of the mechanical ventilation and filtration system for the apartment block to mitigate against air pollutants should also be submitted providing adequate safeguard for the future amenities of occupiers.

Housing mix and affordable housing.

- 7.53 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units.
- 7.54 The mix of units would be 17% three bedroom family sized units, 55% two bedroom units and 28% one bedroom units. Notwithstanding the Council's wider objectives of providing a more balanced mix of family and non-family sized units (para 2.34 of the Sites and Policies Plan - 33% one bedroom, 32% two bedroom, 35% three or more bedrooms) this needs to be weighed against the location of the site, on a busy

main road where family accommodation may not be appropriate on both frontages, and in an area where side roads are more typically suited to family sized units, where the applicant has placed these units.

- 7.55 In conclusion it is considered that the proposed accommodation will increase the variety of residential accommodation available locally. It is considered that the current proposal will contribute towards the creation of a socially mixed and sustainable neighbourhood in accordance with Core Strategy policy CS8.
- 7.56 London Plan policy 3.12 requires that in making planning decisions a maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Decision makers are required to have regard to factors including current and future requirements for affordable housing at local and regional levels; and affordable housing targets adopted in line with policy.
- 7.57 The London Plan requires that negotiation on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation and other scheme requirements.
- 7.58 Having regard to characteristics such as financial viability issues and other planning contributions Core Strategy policy CS 8 states that for developments providing 10 or more units 40% of the new units should meet this provision and be provided on site.
- 7.59 The Borough wide affordable housing target is equivalent to 1,920 affordable homes for the period 2011-2026 (40% of the London Plan (2011) target for Merton rolled forward to cover the 15 year plan period). The LDF notes that where a developer contests that it would not be appropriate to provide affordable housing on site or wishes to deviate from the affordable housing requirements set out in the policy, the onus would lie with the developer to demonstrate the maximum amount of affordable housing that could be achieved on the site viably.
- 7.60 The proposals would deliver no affordable housing. The scheme therefore deviates from the affordable housing requirements. The applicant and Council agreed to have the applicant's viability assessment independently assessed. This has concluded that the scheme is unable to support an affordable housing contribution to remain viable. It would therefore be unreasonable to withhold permission on the basis of a failure to deliver affordable housing.

**Transport, car parking, servicing, access cycling and walking.**

- 7.61 The application site is located on Morden Road that forms part of the strategic road network.

- 7.62 The application site has a Public Transport Accessibility Level of 6a which indicates that it has good access to public transport services. The site is also located within a Controlled Car Parking Zone.

Car parking.

- 7.63 Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety.
- 7.64 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling, walking and public transport use. The current maximum car parking standards are set out within the London Plan at table 6.2. The Plan states that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per residential unit. Having regard to Table 6.2, the plan promotes maximum parking standards on the basis of 1-2 bed residential units to aim for less than 1 space per unit, and 3bed units to aim for 1-1.5 spaces per unit.
- 7.65 The current maximum car parking standards are set out within the London Plan at table 6.2. These standards state that developments in areas of good public transport accessibility should aim for significantly less than 1 space per residential unit for units of 1-2 bedrooms and a maximum of 1-1.5 spaces per dwelling for 3 bedroom units.
- 7.66 For food retailing minimum cycle parking is one space per 125 sq.m for staff and visitors. In areas of high public transport accessibility car free developments should be promoted.
- 7.67 The development is designed to be car free and Transport for London and the Council's Transport Planning officers have raised no objection to this approach given the location of the site and the high PTAL score.

Impact on traffic, servicing and access.

- 7.68 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to and from the public highway.
- 7.69 Refuse arrangements shown on the applicant's plans show bin stores within 10m of the carriageway edge meeting the Manual for Streets (2007) standards.
- 7.70 The Council's Transport Planners have not raised concerns regarding servicing or access.

### Cycling and walking.

- 7.71 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and encouraging design that provides, attractive, safe, covered cycle storage.
- 7.72 London Plan standards for cycle parking are one per 1-2 bedroom dwelling and 2 per three bedroom dwelling. Notwithstanding the submitted plans conditions are recommended in order to ensure that the scheme delivers additional cycle parking for both the residential and non-residential part of the development as recommended by TfL.
- 7.73 The level of provision and location are considered satisfactory. In order to ensure that cycle parking is covered and of a suitable design a planning condition is recommended to ensure that it is suitably designed and provided before first occupation of the building.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT AND SUSTAINABILITY** **Environmental Impact Assessment**

- 8.1 The application site is less than 1.0 hectare in area and therefore falls outside the scope of Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this context there is no requirement for an Environmental Impact Assessment as part of this planning application.

### Sustainable design and construction.

- 8.2 On 25th March the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given Royal Assent on 26th March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.
- 8.3 Until amendments to the Building Regulations come into effect the Government expects local planning authorities not to set conditions with requirements above a Code level 4 equivalent. Where there is an existing plan policy which references the Code for Sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.
- 8.4 While the applicant has indicated a commitment to achieving CfSh level 4, in light of the government's statement and changes to the national planning framework it is recommended that conditions are attached so as to ensure the dwellings are designed and constructed to achieve CO2 reduction standards and water consumptions standards equivalent to Code for Sustainable Homes level 4.

## **9. LOCAL FINANCIAL CONSIDERATIONS**

### **Mayor of London Community Infrastructure Levy**

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project.
- 9.2 The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL. It is likely that the development will be liable for the Mayoral Community Infrastructure Levy that is calculated on the basis of £35 per square metre of new floor space.

### **London Borough of Merton Community Infrastructure Levy**

- 9.3 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London Levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The liability for this levy arises upon grant of planning permission with the charge becoming payable when construction work commences.
- 9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, and leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.
- 9.5 The London Borough of Merton Community Infrastructure Levy applies to the housing elements. This levy is calculated on the basis of £220 per square metre of new floor space for residential floorspace. In the absence of affordable housing the proposals would not qualify for social housing relief available under Part 6 of the Regulations.

### **Planning Obligations**

- 9.6 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development;
  - fairly and reasonably related in scale and kind to the development.
- 9.7 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.
- 9.8 In this instance the delivery of "permit free" housing would be secured via a S106 unilateral undertaking.

9.9 The developer would be expected to agree to meet the Council's costs of scrutinising the undertaking and monitoring the obligations.

## **10. CONCLUSION**

10.1 It is considered that the proposals would meet the core planning principles as set out in the NPPF, being a development that has the potential to enhance and improve this part of South Wimbledon, that would deliver new homes, provide new and appropriate services and reuses brownfield land more intensively. Both London Underground and Thames Water have identified issues concerning infrastructure and identified constructional matters the developer would need to address before the development could proceed.

10.2 The development would provide an adequate environment for future occupiers, allowing for the somewhat compact nature of the layout, would meet policy requirements around unit size and amenity space, and may be suitably conditioned so as to mitigate against the impact of noise and air quality. The development would achieve a suitable level of sustainable design and construction meeting London Plan objectives.

10.3 The proposals would nevertheless impact on outlook from dwellings to the north and the layout results in a tight fit on the site. The proposals may however be judged as delivering a sufficiently high quality design to warrant exceeding density guidelines, that the merits of the scheme in other respects can be accorded greater weight, and that on balance the scheme is acceptable.

**RECOMMENDATION: Grant planning permission subject to the S106 unilateral undertaking and conditions.**

### **S106 unilateral undertaking :**

1. To ensure that the flats would be "permit free".
2. The developer agreeing to meet the Council's costs of the Council's legal fees including scrutinising the Unilateral Undertaking; and
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligation.

### **And the following conditions:**

1. The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: [See Schedule above] Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas, and footpaths, have been submitted in writing for approval by the Local Planning Authority. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details. Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.
4. Details of surface water drainage, including measures to ensure storm flow attenuation into the receiving public network or through on site storage shall be submitted to and approved by the local planning authority and installed before the development is occupied. Reason To ensure that surface water discharge from the site is not detrimental to the existing sewerage system and to comply with policy DM.F2 of the Merton Sites and Policies Plan (2014).
5. Before development commences the applicant shall submit and have secured written approval from the Local Planning Authority of design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods and security. Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan policy 6.3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.
6. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to sub surface sewerage infrastructure and the programme for works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason. The proposed works will be in close proximity to underground sewerage utility infrastructure and to comply with policy DM.F2 of the Merton Sites and Policies Plan (2014).
7. No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any generic materials specified in the application form and/or the approved drawings), and 1:50 details showing window and door reveals have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be



carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

8. Prior to the commencement of development to prevent nuisance from dust and noise to surrounding occupiers with these measures in accordance with a method statement that has previously been submitted to and approved in writing to the Local Planning Authority with the approved measures retained until the completion of all site operations. Reason for condition: To protect the amenities of occupiers of neighbouring properties and to accord with Merton Sites and Policies Plan policy DM D2.
9. Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of smell and other effluvia; control of surface water run-off. No development shall be take place that is not in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
10. Prior to the commencement of development [including demolition], a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority and all works shall take place in accordance with approved plan Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of local residents to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
11. No development shall commence until a scheme for the soundproofing of the commercial building and residential to prevent the transmission of noise and vibration between the uses has been submitted to and approved in writing by the Local Planning Authority. The measures as approved shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained. Reason for condition. To safeguard the amenities of future occupiers and to ensure compliance with Development Plan policies: policy 7.15 of the London Plan 2015, and policies DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
12. Details of screening to roof terraces and balconies, shall be submitted to and approved by the local planning authority and such details as are

approved shall be installed before the flats are occupied and thereafter retained. Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

13. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and internal water usage (WAT1) (105 litres/p/day) standards equivalent to Code for Sustainable Homes level 4. Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2015 and policy CS15 of Merton's Core Planning Strategy 2011.
14. Prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy 2011.
15. Prior to occupation of the flats windows to the north facing elevation of the block of flats shall be glazed with obscured glass up to 1.7m above internal finished floor level and shall thereafter be permanently retained as such. Reason to safeguard the privacy of neighbouring occupiers.
16. No dwelling hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and internal water usage (WAT1) (105 litres/p/day) standards equivalent to Code for Sustainable Homes level 4.
17. (Green roof) Prior to the occupation of any part of the development a green roof shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The green roof shall be maintained in accordance with the approved plan for the lifetime of the development. Reason for condition To enhance the appearance of the development, the amenities of the area and to improve the management of surface water runoff in accordance with policy CS13 of the Adopted Core Strategy (July 2011) and DM D1 and DM F2 of Merton's Sites and Polices Plan 2014.
18. Notwithstanding the details on the submitted plans, prior to first occupation of the relevant use within the development cycle storage for

occupiers and cycle parking for visitors shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage and parking retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].

19. Notwithstanding the approved plans full details of shopfront design shall be submitted to and approved by the local planning authority before occupation of the non-residential unit on the ground floor. Reason. To ensure the satisfactory appearance of the building at street level and to comply with policy DM D2 of the Merton Sites and Policies Plan (2014).
18. Prior to first occupation of the proposed new dwellings or the non-residential floorspace refuse and recycling facilities for the relevant part of the building shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the refuse and recycling facilities retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies CS13 and CS14 of the Adopted Core Strategy [July 2011].
19. Notwithstanding any details shown on the approved plans, prior to first occupation of the dwellings details of boundary treatment shall have been submitted to and approved in writing by the local planning authority. Boundary treatment shall be installed before the dwellings are occupied and thereafter retained. Reason to ensure the satisfactory appearance of the development, to ensure the safety and security of future occupiers and to comply with policy DM.D2 of the Merton Sites and Policies Plan (2014) and policy CS.14 of the Merton LDF (2011).
20. Due to the potential impact of the surrounding locality on the development the recommendations to protect noise intrusion into the dwellings as specified in the Hepworth Acoustics, Planning Noise Assessment Report for Stow Wimbledon Ltd Report No. 31628 .3v2 dated 2014 shall be implemented as a minimum standard. Details of the final scheme shall be submitted for approval to the Planning Authority prior to the commencement of the development. Reason for condition. To safeguard the amenities of future occupiers and to ensure compliance with Development Plan policies: policy 7.15 of the London Plan 2015, and policies DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.
20. Details of the mechanical ventilation and filtration system for the apartment block shall be submitted and approved prior to the use of the building and installed before occupation of the building. The scheme shall detail how the system will adequately mitigate against air

pollutants from the Air Quality Management Area. Reason for condition. To safeguard the amenities of future occupiers and to ensure compliance with Development Plan policies: policy 7.14 of the London Plan 2015, and policy DM EP4 of Merton's Sites and Policies Plan 2014.

21. If during the construction phase contamination is found that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Reason. In order to protect the health of future occupiers of the site and adjoining areas in accordance with Sites and Policies plan policy DM.EP4 and to protect controlled waters.
22. The development shall not be occupied until the existing redundant crossover/s have been be removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority. Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.
23. No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays. Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Polices Plan 2014.
24. Any new external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason for condition In order to safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy DMD2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
25. Odour from any extraction and odour control unit associated with A3 (Food and drink) use shall be designed and installed so that cooking odour is not detectable to affect other premises.
26. Vibration within the dwellings shall not exceed the range of 'low probability of adverse comment' as detailed in BS6472:2000 Human Exposure Vibration in Buildings. Reason. To safeguard the amenities of future occupiers and to ensure compliance with Development Plan policies: policies 7.14 and 7.15 of the London Plan 2015, policy CS7 of

Merton's Core Planning Strategy 2011 and policies DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.

27. Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from the mechanical ventilation and filtration system shall not exceed LA90-10dB at the boundary with the closest residential property. Reason for condition. To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with Development Plan policies: policy 7.15 of the London Plan 2015, and policies DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
28. Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any new plant/machinery from the commercial use shall not exceed LA90-10dB at the boundary with the closest residential property. Reason for condition. To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with Development Plan policies: policy 7.15 of the London Plan 2015, and policies DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
29. No music or other amplified sound generated in the non-residential floorspace shall be audible at the boundary of any adjacent residential building. Reason for condition: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2011, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.
30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses hereby approved shall be carried out without planning permission first being obtained from the Local Planning Authority. Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window, or other opening shall be constructed in the west facing flank wall of the end of terrace dwelling hereby approved without planning permission first being obtained from the Local Planning Authority. Reason: To safeguard the amenities and privacy of the occupiers of nearby properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of

Merton's Core Planning Strategy 201 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

32. No cables, wires, aerials, pipe work (except any rainwater down pipes as may be shown on the approved drawings) meter boxes or flues shall be fixed to any elevation facing a highway. Reason: To safeguard the appearance of the development and the visual amenities of the area and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
33. The non-residential floorspace shall not be open to the public other than between the 07.00 and 23.00 hours on any day. Reason. To safeguard the amenities of neighbouring occupiers.

INFORMATIVE: The applicant is advised that details of the Lifetime Homes standards can be found at [www.lifetimehomes.org.uk](http://www.lifetimehomes.org.uk).

INFORMATIVE: The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods and security.

INFORMATIVE: The applicant is advised to contact Thames Water Developer Services (0800 009 3921) to discuss the details of the piling method statement and options available with regards to construction of a building over or within 3 metres of a public sewer.

INFORMATIVE:

Evidence requirements in respect of condition 13 are detailed in the "Schedule of evidence required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide.

INFORMATIVE: The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. . In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

20. No infiltration of surface water drainage into the ground is permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. Reason. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could cause pollution of groundwater.
21. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground water.

**Appendix A.**  
**Floorspace and amenity space provision.**